

SUPREME COURT DECIDES LIQUOR CAN BE INTRODUCED FOR "PERSONAL USE"

GARRISON'S SUCCESSOR NOT YET KNOWN
YUMA MAN'S CASE IS SENT BACK FOR RETRIAL; LONG CONTROVERSY CONCLUDED

Wilson Enjoys Quiet Cruise on Mayflower and Eliminates All Formality; Washington Officials in Dark.

CRITICS PREDICT COMPLETE SURPRISE

Lane, Houston, Roosevelt, and Folk Amongst Most Prominently Named; President Gains Powerful Supporters.

WASHINGTON, Feb. 12.—The President, who is cruising on the Mayflower, has not communicated with the White House. Officials said if the President had reached any conclusion in the consideration of a successor to Garrison, they were unadvised. It is said the President left the Capitol with an open mind, expecting to give careful consideration to each of the numerous candidates suggested.

Among those familiar with the President's views the impression prevails that unless he goes outside of high official circles for the war secretary, he will name Secretary Lane. Others believe Secretary Houston, Assistant Secretary of the Navy Roosevelt and Commander Folk are being seriously considered. It will be little surprise if the choice falls upon a man outside official circles. It is believed the President will reach a decision before he returns to Washington tomorrow or Monday.

In letters and other messages reaching the White House from members of Congress officials professed to see a decided tendency among those who are opposed to Garrison's continental army plan to support the President on a compromise program. It is said more than forty sent word they would support the President. It is believed several who heretofore had opposed the Administration's proposals were among them.

The President visited Fort Monroe and inspected the great guns guarding the entrance to Chesapeake Bay. Accompanied by his wife he landed from the Mayflower and walked through the reservation.

The President's party was invited to attend the launching of a ship but arrived too late. The President's yacht didn't fly the President's flag. There was no salute. When he reached the fort the President asked that there be no formal courtesies and that he be allowed to see the fort without escort. It is expected the President will visit the national soldiers' home tomorrow. He will leave for Washington late Sunday afternoon.

BRITISH SEA DISASTERS

BRISTOL, Feb. 12.—In addition to the British ship Arabis, another vessel was sunk by a German torpedo boat in the North Sea on the night of Feb. 10, according to an official admiralty report given out here. The report says: "The Admiralty reports relative to the sinking of the British cruiser Arabis, that a second English ship was sunk, which was hit by a torpedo. A German torpedo boat rescued the commander of the Arabis, also a surgeon, officer, non-commissioned officer and twenty-seven men. During the return the surgeon and three men died because of long exposure in the sea."

ROOSEVELT ENDORSED

MUSKOGEE, Feb. 12.—A motion to endorse Roosevelt for the Republican nomination for President was defeated by a convention of Republicans for the second Congressional District. The convention adopted a motion, however referring to Roosevelt as the "greatest living American."

P. O. BILL UP

WASHINGTON, Feb. 12.—The huge debate on the postoffice bill was diverted for two hours into a rambling discussion. Mondell, a Republican of Wyoming attacked Wilson's preparedness policy. Quinn, a Democrat of Mississippi, defended the President.

High Court Holds That, Inasmuch as it is not Against the Law to Have Liquor or to Consume it, Webb-Kenyon Act Does Not Cover the Matter and the Amendment Cannot Be Construed to Keep Liquor for "Personal Use."

Many Cases, Throughout the State, will be Effected by the Decision. People from Many Points Are Arranging to Have Liquors Shipped Into the State for Their Own Use. Prohibition Workers in Capital Threaten.

PHOENIX, Feb. 12.—That liquor may be brought into Arizona for personal use was held by the Supreme Court today in an opinion reversing the Yuma Superior Court in the case of W. J. Sturgeon, charged and convicted of introducing a bottle of wine across the state line at Yuma.

Sturgeon's demurrer, on the ground the liquor was introduced for his personal use was overruled. At the trial he sought to prove the liquor was brought in for that purpose but proof was denied. This was held an error and the case was reversed and remanded for a new trial.

After quoting section 1 of the prohibition amendment the court finds that three crimes are defined and denounced, the traffic in intoxicating liquors, the manufacture of intoxicating liquors and the introducing or attempting to introduce intoxicating liquors.

The opinion then deals with the contention of the appellant at his trial that the provision of the Constitution against the introduction of liquors is unconstitutional, as an attempt to regulate interstate commerce. The various laws relating to liquor in interstate commerce are cited with decisions bearing upon them up to the Webb-Kenyon Law, an act diverting intoxicating liquors of their interstate character in certain cases. That act forbids the taking of liquor into any state "to be received, possessed, sold, or in any manner used either in the original package or otherwise in violation of any law of such state."

"Search the prohibition amendment as you will," says the opinion. "There is no suggestion or intimation in any form contained therein, prohibiting the possession or individual consumption of intoxicating liquors in Arizona."

The opinion then recites that if liquor is to be put to a use, recognized as lawful in the state, that the highest court of the land has held that the prohibition of the Webb-Kenyon Act did not apply and the decision in the case of the Adams Express company vs. Kentucky, that the introduction into dry territory of liquor for personal use was no violation of the law, is in accordance with and influenced by repeated adjudications on the subject by the federal court. The constitutionality of the Webb-Kenyon Act is not discussed, that matter not having been raised in the court below.

The opinion concludes: "Before concluding it may be properly observed that so long as the law accords to the citizens the privilege of possessing and using intoxicating liquors for his individual consumption, this privilege may not be used as a license to violate the law by invoking that privilege as a subterfuge for an illicit introduction or use, nor should he consider it an invitation to pass the danger line lest he find himself wrecked, for the way of the transgressor is hard."

The decision, rendered by the supreme court, yesterday in Phoenix, ends the first chapter in the now famous "personal use" controversy which has been argued pro and con in every part of the state since the promulgation of the dry amendment.

With the meeting of the Arizona Temperance Federation, scheduled for the latter part of this month in Phoenix, a program of future action will, undoubtedly, be adopted by the dry forces for the consideration of the voters at the coming elections.

The decision, as it stands, is a distinct victory for the conservative dries. During the campaign the leading workers for the amendment contended the law would not prohibit the introduction of liquor into the state for personal use. The wet forces argued that the amendment did prohibit the introduction for any use. The attorney general, Wiley E. Jones, took this view of the matter and since January 1, 1915, is has so been considered.

One of the staunchest supporters of the liberal view of the amendment has been A. R. Bucknam, who has worked for the cause of temperance in Cochise county for the past two years.

"I consider the decision a victory for the cause of temperance," said Bucknam last evening when asked about the matter. "It vindicates our leaders and I think its effect will be to forever banish the saloon from the state of Arizona. The temperance organization will not work along the same lines and endeavor to secure legislation which will regulate the traffic, something after the Kansas statutes."

What effect the decision will have on a number of cases now pending in the various superior courts of the state, it is not known. The concluding paragraph of the decision places the matter up to the law officers of the state, as to whether or not prosecutions shall be made. In other words, if it can be proved that liquor is not being shipped into the state for "personal use" the act becomes a violation of the amendment.

There are a number of pending cases in Cochise county at the present time. There is one purely "personal use" case which, undoubtedly, will be dismissed as the same ground was covered in the appeal as in the Yuma county appeal. That is the Stansbury case.

The prevailing opinion appears to be that the decision will serve to keep Arizona in the dry column of states. The wet forces are known to have hoped and prayed for a continuance of the present conditions, knowing the people would become tired of the status and vote the saloon back into existence. There was no joy in the liquor men's ranks last night when the decision became known.

WEARING NEWEST SUN BATHING COSTUME AT FLORIDA RESORT



Mrs. Sidney A. Williams and her new sun bathing costume, at Palm Beach, Florida.

This novel creation, seen at the famous Florida winter resort, is of yellow silk crepe. The sleeves are extremely long, covering the wrists. The skirt is very short, seven or eight inches above the knees. The collar is rather high. Belt, cuffs and collar are of white linen, as are the French knee cuffs. The four-cornered hat is of yellow silk to match. The brim of the hat is of navy blue. The parasol is a Japanese model with black and white stripes and a touch of green. No more striking costume for sun bathing can be imagined.

PLAINTIFF GETS VERDICT FOR DAMAGES

Superior and Pittsburg Company Loses Fight in the Superior Court. \$10,000 Award Given Davidovich.

TOMBSTONE, Feb. 12.—(Special)—The case of David Davidovich vs. the Superior & Pittsburg Mining company for damages was concluded this morning and was given to the jury just before the noon hour. The jury, after being out some time, brought in a verdict in favor of the plaintiff for the sum of \$10,000.

On Tuesday the case of Frank Tomlich vs. the same company will be tried. He is suing for damages for the loss of three fingers on his right hand alleged to be due to an accident while he was in the employ of the company.

The Tomlich case will be followed by the damage case of George Haigler vs. the Higgins Leasing company and Tom Higgins.

An order was made this morning for an especial venire of eleven jurors to report on Tuesday morning at nine o'clock.

Henry Henrich of Bowie was examined by the insanity commission this morning and ordered committed to the asylum. He was taken out at 11:30.

Marriage Licenses.

The following marriage licenses were issued out of the clerk's office during the past week:

Samuel Schwartz to wed Anna Levy, both of Douglas; B. Gable to wed Myrtle Gandy, both of Wilcox; Jas H. Gaffney to wed Pearl M. McKirnan, both of Courtland; Willis E. Mason to wed Dena Kringer, the former of Douglas and the latter of Ellinwood, Kansas; Noel C. Johnson to wed Marjorie Z. Parrott, both of Douglas; Alfred B. Walker to wed Josephine Figaroa, both of Bisbee; Tom James to wed Josefa Quilada, both of Bisbee; Ernest E. Johnson to wed Ida M. Merclean, both of Douglas; Ernest Brown to wed Eva L. Chesnut, both of Douglas; Robert C. Blair to wed Laura Jones, both of Bisbee; T. C. Owen to wed Pearl Ginzgerach, both of Bisbee; Robert C. Coleson to wed Ida Arius, both of Douglas; Walter Gibson to wed Sallie Terry, both of Courtland; Marion Hendis of Ft. Huachuca, to wed Sara R. Martinez, of Nogales; G. H. Coleman to wed Florence Randies, both of Bisbee; Sam Ashuma to wed Marzanet Kaemerling, both of Lowell; William I. De Borde to wed Bertha B. Baker, both of Douglas.

To Examine Zinc Property.

H. E. Bieran, of Pasadena, California, arrived here yesterday and this morning went to Middle Pass in the Draxtons to examine the Gordon zinc property with a view of taking an option in the same. Mr. Bieran is the representative of a number of prominent capitalists who are in the market for a zinc group of claims. He may look at other properties while he is in this locality. He is accompanied by his wife and son.

Leaves for Old Home.

Cochise county has lost one member (Continued on Page Two.)

AERIAL MAIL SERVICE.

WASHINGTON, Feb. 12.—Aerial mail service to isolated points of Alaska, is contemplated by the postoffice department. Bids were asked for service on eight routes, seven of which are in Alaska. If the service is successful it is announced a gradual expansion will follow on other routes where transportation is slow and inadequate.

LIST OF DEATH INCLUDES MANY

Opponent of Carranza Sought by Force Sent Out with Orders to Kill; Carranza Garrison is Endangered.

DOUGLAS, Feb. 12.—Carrying a "death list" containing names of persons to be arrested and executed as enemies of the Carranza government, a firing squad of the de facto government killed a number in northern Sonora in the last few days, according to arrivals here. They stated that on Wednesday four soldiers stopped a train on the Nacozari railroad south of Agua Prieta and took off a Mexican. He was marched a few hundred feet from the railway and executed, it was asserted. It is stated those being killed are former adherents of Villa and Jose Maytorena.

Passengers on the Nacozari train stated members of the firing squad said to be on their way to Nacozari to execute two Mexicans, then to Cuppas where a number were to be killed. Francisco Mayotora, former captain of the army of Maytorena, when the latter was Villa governor in Sonora, was shot last Saturday at Cucuhua, forty miles south of here, according to reports.

THREATEN CARRANZISTAS

WASHINGTON, Feb. 12.—A consular dispatch received by the State Department indicated the rebels in Tuxnam, Mexico, are in such numbers as to endanger the Carranza garrison. The American gunboat Machias has been ordered to Tuxnam from Tampico. Details are lacking. Previous dispatches told of a revival of rebel activities in the oil fields about Tuxnam. The Carranza commander in this region recently promised to begin an energetic campaign against the raiders. Large American properties are located at Tuxnam.

CONDEMNS WILSON

NEW YORK, Feb. 12.—Governor Samuel W. McCall of Massachusetts speaking at the Lincoln Day dinner of the Republican Club, criticized Wilson's foreign policy and declared the European war saved the country from disaster that otherwise would have been certain under the Underwood tariff.

McCall said: "There should be no difficulty about the tariff. We must raise the revenue and it is very convenient to raise it at the custom house. He declared it to be imperative that the country should safeguard itself by adopting a vigorous policy of national defense."

GARRISON TALKS

NEW YORK, Feb. 12.—Former Secretary Garrison said that when his successor had been appointed he would offer to go to Washington and help the new secretary to become acquainted with his duties. Garrison said: "I'll not make myself vocal in any way; I am out of politics and intend to make no further statements."

ACTIVITY IS BRISK ON SEVERAL EVENTS

French Claim Big Gains in Champagne Which are Partially Admitted by Berlin; Russian Successes Also.

AUSTRIA DENIES GAINS OF RUSSIAN TROOPS

French and Italian Ministers Agree on Unity of Action; Allied Representatives to Confer in Paris.

LONDON, Feb. 12.—Increased activity is reported on several European war fronts, notably in France and Galicia. The most important infantry operations on the western front occurred at Champagne where the French captured three hundred yards of German trenches, according to Paris. Berlin concedes a French gain in this territory but places the captured positions at two hundred yards. Petrograd unofficially reports the Teutons on the defensive at three points in Galicia. It is declared several breaches were made in the Teuton lines. Although admitting the results were not important, Petrograd records the belief that the Russian offensive has at least relieved pressure on the Allies elsewhere.

Current Austrian reports on the operations against the Russians admit no permanent gain for the Russians. The Teutons specific operations north-east of Tarnopol, Galicia, where a Russian detachment that occupied several advanced Austrian trenches are declared to have been ejected in counter attacks. Vienna claims the capture of Italian positions near Pilsch and reports of the repulse of Italians near Tirana, northeast of Durazzo in Albania.

A Rome dispatch brings a statement attributed to French and Italian political sources that complete accord has been reached between Premier Briand of France, who is now in Rome, and Italian cabinet members with whom he has been consulting on steps to unify Allied action in the war. The sinking of the Norwegian steamer Alabarna, 891 tons, is reported. The crew was saved.

An official statement issued at Rome according to a correspondent of the Havas Agency, says the French and Italian ministers came to an agreement on the necessity for a closer co-ordination of efforts by the allies so as to assure better unity of action. The statement adds that a conference will take place soon in Paris when political and military representatives of the allied countries will be present. The conference will be preceded by a meeting of the general staffs of the Allies.

STRANGE PUNISHMENT SCHEME

EL PASO, Feb. 12.—Sergeant Manuel Rojas, former Villa soldier and later bugler in the Carranza army, together with four villains, will face a firing squad shortly before noon tomorrow, according to orders issued by General Gaviro, commandant at Juarez. Rojas was sentenced for stealing ammunition and a civilian named Sanchez to pay the death penalty for buying it. The other three civilians are to face the firing squad as an "object lesson" but not to be shot, according to Gaviro. They will be ignorant of their fate until Rojas and Sanchez have been executed.

Gaviro is said to have conceived this novel form of punishment for three civilians. Two are charged with having stolen land and beans from an American-owned ranch in Chihuahua. The charge against the third is of buying stolen ammunition from Rojas is said to have been not clearly proved.

RUEF IN BUSINESS.

SAN FRANCISCO, Feb. 12.—Abraham Ruef, former political leader, who was recently paroled from San Quentin, where he was sentenced in 1911 to fourteen years for offering a bribe, has opened business offices here.